

THESE MINUTES ARE SUBJECT TO FORMAL APPROVAL BY THE WYOMING
PLANNING COMMISSION AT ITS REGULAR MEETING OF JUNE 18, 2013

PLANNING COMMISSION
MINUTES OF MAY 21, 2013
CITY COUNCIL CHAMBERS
CITY OF WYOMING, MICHIGAN

MEMBERS PRESENT: Arnoys, Goodheart, Hegyi, Micele, Postema, Spencer, Weller

MEMBERS ABSENT: Bueche, Woodruff

STAFF PRESENT: Cochran, City Planner
Rynbrandt, Director of Community Services
Lucar, Administrative Secretary

Chair Spencer called the meeting to order at 7:00 PM.

Motion by Hegyi, supported by Postema, to excuse Bueche. Motion carried unanimously.

Motion by Hegyi, supported by Postema, to excuse Woodruff through August 2013 due to military leave. Motion carried unanimously.

APPROVAL OF MINUTES

The minutes of April 16, 2013 were approved as written.

APPROVAL OF AGENDA

Chair Spencer added an additional item to the agenda – Appointment of an Interim Secretary. The agenda was approved as revised.

PUBLIC COMMENT ON NON-PUBLIC HEARING AGENDA ITEMS

There was no public comment.

AGENDA ITEM NO. 1

Request to rezone 5.1 acres from B-3 Planned Business to B-2 General Business. The property is located at 155 – 28th Street, SW (Section 12) (Speedway LLC)

Cochran described the location, existing land use and current zoning around the area. The petitioner has optioned this property with the intention of developing a Speedway fueling

facility. In addition to auto fueling and convenience goods, the facility would provide fueling for tractor-trailers. Such a facility is allowable by Special Use Approval from the Planning Commission in the B-2, I-2 and I-1 zoning districts. They are requesting to rezone this property from B-3 Planned Business to B-2 General Business. If the rezoning is approved, the petitioners would then apply for Special Use and Site Plan Approvals from the Planning Commission. A Traffic Impact Analysis would also be required at that time. If the property is rezoned to B-2 General Business the full range of uses under the Zoning Code would be permissible. Restricting the property to the use proposed would only be allowable through a voluntarily offered development agreement from the petitioner and entered into with the City Council at the time of rezoning. At this time there is no known use for the balance of the property beyond what Speedway proposes.

Property History:

This property is a remnant from the K-Mart store developed in 1966. That store occupied the overall property for several decades but subsequently closed. An ancillary K-Mart out-building was previously located at the northeast corner of 28th Street and Buchanan Avenue. That was used for various commercial businesses until razed a few years ago. The K-Mart building was rezoned in 1999 from B-3 Planned Business to I-1 Light Industrial to accommodate it's conversion to Richwood Industries.

Staff Comments:

1. The City of Wyoming Land Use Plan 2020 was adopted in 2006. It identifies the area on the north side of 28th Street and between Buchanan and Division Avenues as suitable for Mixed Use development. The purpose of the Mixed Use concept is "to transform this area into a walkable and accessible environment that is human scaled and will provide for a highly concentrated mix of compatible and complementary land uses of sufficient intensity to facilitate transit ridership."

The Silverline Bus Rapid Transit System is under construction and will be operational in August 2014. It is a \$40 million investment by Federal, State and Local governments to change transportation, foster new land uses and create economic development within corridors. The optimum impact area is within ¼ mile of the transit stations as that is the reasonable walking distance. Buchanan Avenue is ¼ mile from the two transit stations to be built at Division Avenue. Special attention was given to those stations to enhance them to be compatible with the Wyoming/Grand Rapids Gateway existing at the northeast corner.

The proposed Speedway facility would not comply with the Land Use Plan 2020 in the following ways:

- a. The building with the intended development totals 4,608 sq. ft., on the overall 222,156 sq. ft. property. This results in 2% of building to land area. Such an open

development is not human scaled and does not provide for a concentrated mix of compatible land uses.

- b. The Speedway facility would emphasize fuel service to tractor-trailers. The nearest similar facility, located to the south, is at 76th Street. It is anticipated the facility would draw customers primarily from existing traffic on 28th Street, but also from U.S.-131. The sight, noise, operation and fumes from tractor-trailers would not be conducive to developing complementary land uses that facilitate transit ridership.
2. There has been recent significant investment in this area with the relatively new hotel directly across Buchanan Avenue. Significant cooperation and collaboration between area business owners and the City has recently occurred, resulting in the improved aesthetics of the area and a substantial reduction in crime. Many of the existing developments in this area are dated to the 1960's. It is envisioned that as economic vitality grows in this area with projects tied to the benefits of the BRT, these large parcels will redevelop into the cohesive and desired plan envisioned within the Land Use Plan.
3. The City of Wyoming 2035 Thoroughfare Plan showed a 2009 daily traffic volume of 35,500 trips on 28th Street and 12,900 trips on Buchanan Avenue adjoining this property. The volumes are projected to increase by 2035 to 44,100 trips on 28th Street and 16,800 trips on Buchanan Avenue. The introduction of a high volume traffic use at this intersection that includes significant tractor-trailer turning movements, would be undesirable.
4. This rezoning proposal was brought by the petitioner to the Downtown Development Authority on April 2, 2013 for their recommendation. In a split vote, the DDA recommended the proposed rezoning.
5. If the rezoning is approved, it should not be construed to signify acceptance of the site plan exhibit provided by the petitioner.

Conformance with the City of Wyoming Sustainability Principles:

Sustainability: The advancement and promotion, with equal priority, of environmental quality, economic strength, and social equity so that a stable and vibrant community can be assured for current and future generations.

The proposed rezoning and subsequent Speedway development would be detrimental to the long range community vision for this area contained in the Land Use Plan. Land uses are desired that complement one another and promote a transit oriented development pattern of mixed uses and walkable streets. Each development that occurs should encourage development of nearby properties to enhance the overall economic strength and promote social equity such that a stable and vibrant community can emerge. The proposed rezoning does not conform to the City of Wyoming sustainability principals.

Staff Recommendation:

Cochran noted two letters were received, one from an adjoining property owner in opposition, and one from Police Chief Carmody recommending denial of the rezoning.

The Development Review Team suggested the Planning Commission recommend to the City Council denial of the subject rezoning.

Chair Spencer opened the public hearing.

Elizabeth Taylor, 56 Honeoye, is the leader of the neighborhood watch program in this area. She thought the proposed use would not be conducive to the neighborhood as far as trying to limit crime. The problems with crime in this area have improved, but she thought a truck stop-type operation would only have a negative impact in this regard.

Lillian VanderVeen, resident of 1930 – 28th Street SW, business owner at 2290 – 28th Street, and DDA board member, noted throughout the years it has been a struggle to bring businesses to 28th Street. Speedway would be an improvement to this blighted, vacant property, and the neighboring hotels would benefit by having a good service station and convenience store right there. As a side note, she brought up the concern about the long-time vacant building on 28th Street east of Byron Center Avenue which is owned by Speedway. The surrounding businesses would like to see this building torn down and the property improved.

Doug Kochneff, 841 – 28th Street SW, Chairman of the DDA, spoke in support of the Speedway fueling station. The Speedway currently on 28th Street/Byron Center Avenue has been a successful business, and would make an equally fine asset at 28th Street/Buchanan Avenue. When presenting their plans to the DDA, they agreed to add architectural features to the building, a ground sign to be in compliance with the proposed form based code, installation of an irrigation system, and donation of the unused portion of the property to the City as green space. This business would not attract any additional industrial truck traffic. In 2009 the Planning Commission approved a gas station in the Downtown Center zone at Rogers Plaza, but it was never built.

The general manager of the neighboring Best Western hotel at 2725 Buchanan asked if this would be a truck stop. Many of their guests complain that the general area is sketchy and the vacant lot gives a negative perception. The improvement of this corner is necessary.

Mr. Patel, also representing Best Western hotel, emphasized the need to clean up and improve this vacant corner property. He thought the Speedway would be good for the businesses in the area.

The owner of the Marathon gas station across the street thought, from a business ethics standpoint, developing a large-scale fueling station near him was wrong. Large corporations like Speedway are running local gas stations out of business, and he will not be able to compete with

their prices. Speedway corporation also has the means to access their business data, so this is an unfair advantage. He did not think this use would have any positive impact on the area.

A representative from Davis Oil Company, who sold the Marathon gas station property to the current owner, said the City made them remove two of their four curb cuts for traffic safety reasons. The Speedway truck traffic will only impede traffic movement at Buchanan/28th Street and cause backups. The Marathon gas station will not be able to compete with a large corporation like Speedway. There will be litigation if this project is approved.

Chair Spencer closed the public hearing.

Petitioner Chris Schrank, EXP Technical Engineer representing Speedway, clarified that this would not be a truck stop, there would be no overnight parking and the lot will be patrolled. It will be a typical fueling station with a convenience store. He presented artist renderings of the proposed development. They will increase the landscaping and it will have a more park-like setting. The site is currently a Brownfield and they intend to greatly improve the property.

Motion by Weller to approve the subject rezoning. The motion died for lack of support.

Motion by Hegyi, supported by Arnoys, to deny the subject rezoning. Discussion followed.

Weller indicated he favored the use because this is already a truck route and it would be an advantage for trucks to refuel at this location. He also thought the use would spark new development in the area.

Postema noted the property has been vacant for a long time and it will serve traffic that is already there. At the same time, there is the issue of future development branching off the BRT system. Cochran mentioned he has visited other BRT systems and they have resulted in significant economic development. The purpose of the BRT systems is not only enhanced transit, but to transform communities.

Arnoys was in favor of improving business here and getting rid of this vacant property, but asked about other development options. Cochran thought they needed to wait and see what type of development spurs off the BRT system. He could see mixed use development happening here. Arnoys asked if there were steps that could be taken to improve this vacant property. Cochran said the burden for property upkeep is on the property owner. Rynbrandt indicated, due to minimal staffing, code enforcement is handled on a complaint basis.

Micele said he would like to see this corner developed, but was concerned about the traffic turning movements and maintaining the green space. Chair Spencer noted she was also concerned about the traffic and would have to see a traffic analysis. Ultimately, she would like to see mixed use development here. She clarified the split vote was 4 – 3 by the DDA to recommend it.

Micele asked the corporate relationship between Speedway and Marathon. The real estate representative from Speedway gave an explanation and indicated they are separate entities. He clarified they do not have access to Marathon's business data.

Goodheart thought a compromise could be to not rezone the rectangular piece of property directly on the corner and shift the project north. Cochran said the major concern is truck movements at this intersection.

Rynbrandt noted, regarding the question of property donation to the City, this is the first time she had heard about it. It would be unusual for the City to accept a property donation and this would require more detailed evaluation. Postema thought the DDA could own it and save it for future development opportunities. Rynbrandt affirmed that the Planning Commission should not consider any possible donation in their deliberations.

A vote on the motion carried 6 – 1, with Weller opposed.

AGENDA ITEM NO. 2

Request for Special Use Approval for Miller Pipeline (open contractor storage yard). The property is located at 4575 Clay Avenue, SW. (Section 25) (Miller Pipeline) (Includes Site Plan Approval)

Cochran described the location, existing land use and current zoning around the area. Miller Pipeline is a subcontractor for DTE Energy providing construction services throughout the region. For a brief time the business was located on Burlingame Avenue, and subsequently has relocated to this site. The open contractor storage yard requires Special Use Approval from the Planning Commission. The following standards for Special Use Approval shall be considered by the Planning Commission, as described within Section 90-761 (3) of the Zoning Ordinance:

- a. The possible substantial and adverse effect on neighboring property.

The property had been used for as a lumber yard for many years but then sat vacant for an extended period. River City Equipment Sales recently purchased this property and an adjoining site and renovated the properties for their trucking business. They propose to lease the unused area of the property nearest to U.S. 131 to Miller Pipeline who will occupy the prior vacant 16,830 square foot building. The proposed outdoor storage yard will include pipes, trailers, backhoes, trenchers and trucks. Storage will occur around the south and west edge of the property, 285 feet away from Clay Avenue. Outdoor storage has been a significant use in this area of Clay Avenue for several decades. As such, the overall storage yard use is not considered to have an adverse effect on neighboring properties.

- b. The consistency with the spirit, purpose and intent of this chapter.

The Special Use provisions of the ordinance allow the Planning Commission discretion in whether to establish land uses within a particular area of a zoning district. As stated, outdoor storage has been ongoing in this area of Clay Avenue for a long time. The proposed use is consistent with the intent of the chapter.

- c. The possible adverse effect upon traffic as related to the streets, churches, schools and any buildings within the immediate area.

The property has access to Clay Avenue, an industrial thoroughfare. No adverse traffic impacts are anticipated from this storage use.

- d. The tendency of the proposed use to create any type of blight within the immediate area.

The business will reuse an underutilized property. No blighting influence will occur to neighboring properties.

- e. The economic feasibility for the area.

The proposed use appears financially viable.

- f. Any other factor as may relate to the public health, safety and welfare for persons and property.

Staff had no additional comments.

- g. That all other provisions of this chapter are met.

Staff had no other concerns.

Staff had the following added site plan comment:

- 1. The site is fully developed. The City has two sanitary sewer lines which run along the west and south property lines where the outdoor storage is proposed. Staff needs to ensure that the manholes are not covered by equipment or storage to maintain accessibility. Bollards must be placed around the sanitary sewer manholes.

Conformance with the City of Wyoming Sustainability Principles:

Sustainability: The advancement and promotion, with equal priority, of environmental quality, economic strength, and social equity so that a stable and vibrant community can be assured for current and future generations.

The proposed Miller Pipeline business will occupy and maintain an industrial building and property that has sat vacant for a long period. The business provides employment and serves to improve DTE energy reliability throughout the region. The proposed Miller Pipeline conforms to the City of Wyoming sustainability principals.

Planning Commission Action:

The Development Review Team recommended the Planning Commission grant Special Use Approval for Miller Pipeline per Staff's Findings of Fact. In a separate motion, Staff also recommended granting Site Plan Approval subject to the placement of bollards around the sanitary sewer manholes in the open storage yard areas.

Chair Spencer opened the public hearing.

Craig Scholten, President of River City Equipment Sales, 4625 Clay Avenue, said they enjoy doing business in Wyoming and want to stay here. Miller Pipeline has been an outstanding tenant and plans to stay here long-term.

The petitioner representing Miller Pipeline indicated, due to business growth, the Burlingame Avenue site was not working for them, and the present site is working out well.

Chair Spencer closed the public hearing.

Motion by Arnoys, supported by Postema, to grant Special Use Approval for Miller Pipeline per Staff's Findings of Fact. Discussion followed.

Hegy asked Cochran to define the boundaries for the Special Use. Cochran identified these on the aerial photo.

A vote on the motion carried unanimously.

Motion by Postema, supported by Arnoys, to grant Site Plan Approval subject to the placement of bollards around the sanitary sewer manholes in the open storage yard areas. Discussion followed.

Goodheart asked if there should be a fence on the north side of the property. Cochran replied none is required.

A vote on the motion carried unanimously.

AGENDA ITEM NO. 3

Request to vacate 50th Street commencing 400 feet west of Clay Avenue, S.W. (Section 25) (584 – 50th Properties LLC)

Cochran described the location, existing land use and current zoning around the area. The petitioner proposes the City vacate the west half of 50th Street. Once vacated, the street will be removed with a new cul-de-sac constructed by the developer where the proposed vacation commences. Gordon Foods intends on constructing a new industrial facility encompassing both sides of the existing street. Shortening 50th Street allows an overall better design for the facility. The new Gordon Foods facility will require Site Plan Approval from the Planning Commission.

Staff Comments:

1. Public water, sanitary and storm sewer utilities exist within the right-of-way of 50th Street. The developer shall provide easements to the City of Wyoming over all existing utilities.
2. The developer's engineer shall provide detailed design drawings for the proposed cul-de-sac to the Engineering Department for approval.
3. When right-of-way is vacated, it is split with each half assigned to the adjoining property fronting along it. Gordon Foods controls the properties adjoining the proposed vacation with the exception of a 30.6 foot wide strip at the edge of the U.S. 131 right-of-way. That strip is an extension of a large parcel to the south that is accessed from Clay Avenue. Access from that parcel to 50th Street is not required.
4. Right-of-way vacations require the City Council to set, and hold, a public hearing. This will occur after the vacation recommendation from the Planning Commission.

Conformance with the City of Wyoming Sustainability Principles:

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The proposed street vacation will allow for the redevelopment of several underutilized industrial properties. The resulting development will infuse vital investment into the Clay Avenue corridor. It will also contribute to the economic strength of the City by providing many new jobs. The proposed street vacation conforms to the City of Wyoming sustainability principals.

Staff Recommendation:

The Development Review Team suggested the Planning Commission recommend to the City Council the proposed 50th Street vacation, subject to the provision of the utility easements and cul-de-sac design drawings.

Chair Spencer opened the public hearing. There were no comments and the public hearing was closed.

Motion by Postema, supported by Micele, to recommend to the City Council the proposed 50th Street vacation, subject to the provision of the utility easements and cul-de-sac design drawings. Discussion followed.

Goodheart mentioned the cul-de-sac easement, which MDOT would have to release. In addition to City utilities, there are also private utilities such as a Consumers Energy easement. Cochran felt the condition in the motion covers all utility easements.

A vote on the motion carried unanimously.

AGENDA ITEM NO. 4

Request to vacate Alcoma Street (a paper only street) east of Godfrey Avenue, SW.
(Section 2) (LINC Community Revitalization)

Cochran described the location, existing land use and current zoning around the area. Alcoma Street exists on paper only, as it was never constructed. LINC Community Revitalization is in the process of redeveloping the adjoining building to the north into a four-unit apartment. They propose the City vacate the street to allow for its reconstruction for paved access and parking.

Staff Comments:

1. Public storm sewer utilities exist within the right-of-way of Alcoma Street. An easement shall be provided to the City of Wyoming over the utility.
2. When right-of-way is vacated, it is split with each half assigned to the adjoining property fronting along it. Alcoma Street also serves the property to the south by providing parking and access. The reconstruction within the Alcoma Street right-of-way shall include suitable access, parking and landscaping to serve both properties. This shall be provided as an engineered plan to the Planning Department for approval by City staff. A shared access easement shall be provided to the City.
3. LINC Community Revitalization is in the process of obtaining a property tax exemption and payment in lieu of taxes (PILOT) from the City Council to facilitate the apartment redevelopment project (see attached). Vacating Alcoma Street is a necessary step in completing that agreement. The foreclosed property was in such disrepair that it required exceptional investment to renovate the building for occupancy. The revitalization of buildings to help maintain and improve neighborhoods is one of LINC Community's goals.
4. Right-of-way vacations require the City Council to set, and hold, a public hearing. This will occur after the vacation recommendation from the Planning Commission.

Conformance with the City of Wyoming Sustainability Principles:

Sustainability: The advancement and promotion, with equal priority, of environmental quality, economic strength, and social equity so that a stable and vibrant community can be assured for current and future generations.

The proposed street vacation will allow for the redevelopment of an obsolete residential structure. The resulting development will provide quality housing in this older area of the City. The proposed street vacation conforms to the City of Wyoming sustainability principals.

Staff Recommendation:

The Development Review Team suggested the Planning Commission recommend to the City Council the proposed Alcoma Street vacation, subject to provision of the utility easement, reconstruction plan for City staff approval, and access easement.

Chair Spencer opened the public hearing.

Petitioner Stephanie Gingrich, representing LINC Community Revitalization, said vacating the paper street will benefit their project and the City because it will make it safer and better maintained.

Chair Spencer closed the public hearing.

Weller said it was nice to see some redevelopment happening in this area.

Motion by Hegyi, supported by Postema, to recommend to the City Council the proposed Alcoma Street vacation, subject to provision of the utility easement, reconstruction plan for City staff approval, and access easement. Motion carried unanimously.

AGENDA ITEM NO. 5

Request for Site Plan Approval for an addition to Die-Tech & Engineering. The property is located at 4600 & 4620 Herman Avenue, SW. (Section 26) (AMDG Architects)

Cochran described the location, existing land use and current zoning around the area. Die-Tech & Engineering has a 30,150 sq. ft. facility at the end of Herman Avenue. They have purchased the adjoining property to the north. Their proposal is to construct two additions. The first addition is 7,800 sq. ft. to the north and would demolish the existing building on that property. The second addition is 15,300 sq. ft. to the west. The total building area is 53,250 sq. ft.

Staff had the following added site plan comments:

1. Final utility, grading and storm water management plans shall be approved by the Engineering Department. Storm water calculations shall be provided.

2. Variances from the Board of Zoning Appeals are required to allow this design. The required variances are the front yard overhead door for a truck loading area (Section 90-648-4) and utilizing the public street for truck maneuvering (Section 90-648-1).
3. The proposed façade plans will match the existing building. The proposed façade plans are acceptable.
4. A property combination request is required to be provided to the Assessing Department.

Conformance with the City of Wyoming Sustainability Principles:

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The proposed additions to Die-Tech & Engineering will expand a quality business contributing to the city's economic strength. Additional employment will occur at the facility and short term with construction. The proposed additions to Die-Tech & Engineering conform to the City of Wyoming sustainability principals.

Planning Commission Action:

The Development Review Team recommended the Planning Commission grant Site Plan Approval for the additions to Die-Tech & Engineering subject to conditions 1-4.

Motion by Arnoys, supported by Micele, to grant Site Plan Approval for the additions to Die-Tech & Engineering subject to conditions 1 – 4. Motion carried unanimously.

AGENDA ITEM NO. 6

28th West Fly-Through Marketing Video.

Cochran showed the video to the Planning Commission, which is the work of WKTV and the Turn On 28th Street Steering Committee. Micele, a member of the project's steering and marketing committees, mentioned much thought and brainstorming went into this production. The images mirror what is being proposed in the new form based code. The next step is marketing the video to potential developers and realtors. The area is now being branded as "28 West". Rynbrandt praised the talent and hard work of WKTV on this production. The Commissioners were pleased with the results.

AGENDA ITEM NO. 7

Appointment of an Interim Secretary

Chair Spencer asked for volunteers for the Interim Secretary position. Hegyi volunteered and was appointed by Chair Spencer.

PUBLIC COMMENT

There was no public comment.

Postema asked to what degree the Commission should discuss donation of property to the City. Rynbrandt said she would look into this and find out the best approach.

Cochran reminded the Commissioners about the upcoming joint City Council, Planning Commission and Board of Zoning Appeals meeting to be held next Thursday, May 30th at 5 p.m. at the Wyoming Library.

ADJOURNMENT

The meeting was adjourned at 9:10 P.M.

William Hegyi, Interim Secretary
Wyoming Planning Commission

Kimberly S. Lucar, Administrative Secretary
Wyoming Planning Commission